

DLD-158

March 15, 2007

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

No. **06-4123**

GREGORY A. BORDLEY

v.

WARDEN THOMAS CARROLL, ET AL.

(D. DEL. CIV. NO. 05-CV-00315)

Present: BARRY, AMBRO and FISHER, Circuit Judges

Submitted is Appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

MMW/MCF/ch

**O R D E R**

The foregoing application for a certificate of appealability is denied. For essentially the same reasons explained by the district court, Bordley has failed to make a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2). He has not shown that reasonable jurists would find the district court's dismissal for untimeliness debatable. Slack v. McDaniel, 529 U.S. 473, 484 (2000). Bordley also did not show that he was entitled to equitably toll the statute of limitations. Miller v. New Jersey State Dep't of Corrections, 145 F.3d 616, 618 (3d Cir. 1998).

By the Court,

/s/ Thomas L. Ambro  
Circuit Judge

Dated: April 17, 2007

CH/cc: Mr. Gregory A. Bordley

Elicabeth R. McFarlan, Esq.



A True Copy

*Marcia M. Waldron*

Marcia M. Waldron, Clerk